IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

NANCY L. NEFF,)	
)	
Plaintiff,)	Case No. 3:08-0081
)	Judge Nixon
v.)	Magistrate Judge Bryant
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff Nancy L. Neff's Motion for Judgment on the Record ("Plaintiff's Motion") (Doc. No. 15). Defendant Commissioner of Social Security filed a Response in Agreement (Doc. No. 22) as well as a Motion to Remand (Doc. No. 19). Magistrate Judge Bryant issued a Report and Recommendation ("Report") (Doc. No. 20) recommending that, in light of the agreement of the parties, both Plaintiff's Motion and Defendant's Motion to Remand be granted, the decision of the Commissioner reversed, and the case remanded. The Report was filed on September 4, 2008, and no objections have been filed by the Plaintiff. Upon review of the record in this case, the Court finds the Magistrate Judge's Report and Recommendation to be well-founded and ADOPTS it. Accordingly, the Court hereby GRANTS Plaintiff's Motion and Defendant's Motion to Remand, REVERSES the decision of the Commissioner, and REMANDS the case for further administrative proceedings.

Also Pending before the Court is Plaintiff's Motion for Attorney Fees (Doc. No. 24).

Plaintiff's Motion for Attorney Fees was filed October 13, 2008, and Defendant has filed no

Response. Plaintiff seeks award of \$7391.33 for 42.2 hours of work at the rate of \$175.15 per

hour. Plaintiff is a prevailing party under Shalala v. Schaefer, 509 U.S. 292, 302-03 (1993) entitled to attorney's fees under the Equal Access to Justice Act, 29 U.S.C. § 2412 (2009). Because the Court deems Plaintiff's fee request to be reasonable, and because Defendant has expressed no opposition, the Court GRANTS Plaintiff's Motion for Attorney Fees and ORDERS Defendant to pay Plaintiff's attorney fees in the amount of \$7391.33.

It is so ORDERED.

Entered this 37 __ day of March, 2009.

JOHN T. NIXON, SENIOR JUDGE

UNITED STATES DISTRICT COURT